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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/659,841	09/11/2000	YUKITOSHI TAKEUCHI	35.C14786	5609
5514	7590	02/11/2004	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			SHERRILL, JASON L	
		ART UNIT	PAPER NUMBER	
		2622	8	
DATE MAILED: 02/11/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/659,841	TAKEUCHI, YUKITOSHI
	Examiner Jason L Sherrill	Art Unit 2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 26 September 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1,3,4,7,8,10,11 and 14 is/are rejected.
- 7) Claim(s) 2,5,6,9,12 and 13 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 8, 4, 7, 11, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peng (U.S. Patent No. 6,026,261).

For claims 1 and 8, Peng discloses an image reading apparatus comprising an original mounting table (15, Fig. 3), a scanning means for scanning an original mounted on the original mounting table (21, Fig. 3; col. 2, lines 28-33), a carriage for mounting a scanning means (23, Fig. 3; col. 2, lines 28-33), a driving member for transmitting a moving force to a carriage (27, Fig. 3; col. 2, lines 28-33), and a guide member for guiding the carriage in the movement direction (25, Fig. 3; col. 2, lines 28-33), a driving member arranged to transmit a moving force to the carriage (27, Fig. 4; col. 2, lines 58-65), the driving member extending along a first line from a forward side of the carriage in the movement direction and the driving member extending along a second line from a backward side of the carriage and the first line and second line are not coincident when viewed along the axis perpendicular to the original mounting table (Fig. 4).

For claims 4 and 11, Peng indirectly teaches a carriage comprising two sliders sliding with the guide member (Fig. 4). The sliders would be biased toward the guide member by the

tension of the driving member and idlers provided on the scan carriage (47, Fig. 4) as applied to claims 1 and 8 above.

For claims 7 and 14, Peng discloses the driving member comprising a cable (27, Fig. 4; col. 2, lines 28-33).

3. Claims 3 and 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Peng (U.S. Patent No. 6,026,261) as applied to claims 1 and 8 above, and further in view of Takeuchi (U.S. Patent No. 5,311,015).

For claims 3 and 10, Peng discloses and an idler pulley mounted on the carriage for biasing the driving member wherein the carriage is moved by a reaction force received from the driving member (47, Fig. 4).

Peng fails to discloses a driving source mounted on the carriage for driving the carriage, a driving pulley mounted on the carriage for transmitting a driving force from the driving source to the driving member, and an idler pulley mounted on the carriage for biasing the driving member wherein the carriage is moved by a reaction force received from the driving member.

Takeuchi discloses a driving source mounted on the carriage for driving the carriage (22 Fig. 2(a); col. 3, lines 44-46), and a driving pulley mounted on the carriage for transmitting a driving force from the driving source to the driving member (16, Fig. 2(a); col. 3, lines 19-37). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the image reading device of Peng and the image reading device of Takeuchi because both teach scanning device which use cables and pulleys to transfer driving force to a scan

carriage. The improvement on Peng by Takeuchi would allow smoother transfer of driving force to the scan carriage.

Allowable Subject Matter

4. Claims 2, 5, 6, 9, 12 and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Art Unit: 2622

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason L Sherrill whose telephone number is 703-306-4053. The examiner can normally be reached on M-F 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached on 703-305-4712. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-5397 for regular communications and 703-306-5397 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

JLS
January 24, 2004



EDWARD COLES
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600